

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 12, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Hawaii

Issuance of Right-of-Entry Permit to Department of Land and Natural Resources,
Division of Forestry and Wildlife on Lands Encumbered by Revocable Permit No.
S-7054 and Revocable Permit No. S-7271, Kapapala, Ka'u, Hawaii, Tax Map
Key: 3rd/9-8-01:03, & 13.

APPLICANT:

Department of Land and Natural Resources, Division of Forestry and Wildlife whose
business and mailing address is P.O. Box 4849, Hilo, Hawaii 96720.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kapapala, Ka'u, Hawaii, identified by Tax Map Key: 3rd/9-
8-01:03, 13, as shown on the attached map labeled Exhibit A.

AREA:

7,850.31 acres, more or less.

ZONING:

State Land Use District: Agriculture
County of Hawaii CZO: Agricultural 20 acres- (AG-20)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES X

CURRENT USE STATUS:

Tax Map Key 3rd/ 9-8-01:13 is encumbered by Revocable Permit No. S-7271, Kapapala
Ranch, Lessee, for pasture purposes. TMK: 3rd/ 9-8-01:03 is encumbered by a water
rights permit under Revocable Permit No. S-7054.

CHARACTER OF USE:

Water rights and pasture purposes.

TERM OF RIGHT-OF-ENTRY:

One year.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item No. 5 that states "Routine and emergency repair and restoration of existing structures and facilities on State lands involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Applicant is a Government agency and therefore not required to register with the DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrence from all users of the subject land.

REMARKS:

The Division of Forestry and Wildlife (DOFAW) would like to quarry rock and gravel from two quarry sites on lands encumbered by RP S-7271 to Kapapala Ranch (quarry site 1) and State lands encumbered by RP S-7054, (quarry site 2) (see map, exhibit A). The rock and gravel will be used to improve management and public access to the Ka'u and Kapapala Forest Reserves and to the Kapapala Koa Canoe Management Area. The road improvement will also benefit Kapapala Ranch as they also use these roads. All the material removed from the quarries will be put on State land. These quarry sites were formerly use by Ka'u Sugar Co. to maintain the cane haul roads in the area. All the material requested by DOFAW has been quarried previously and is being stockpiled at the indicated sites. DOFAW does not anticipate the excavation of any new quarry material. DOFAW is requesting the right-of-entry be granted for a period of one year.

RP S-7054 issued October 13, 1995 to Kapapala Ranch and encumbering portions of TMK: 3rd/ 9-8-01:03 is an interim Revocable Permit for the use of water originating from the Makakupu tunnel, pending the issuance of a water license at public auction.

RP S-7271 issued November 1, 2001 to Kapapala Ranch and encumbering TMK: 3rd/ 9-8-01:13 is a month-to-month permit for pasture purposes with participation in DOFAW's cooperative hunting program. Staff is recommending DOFAW obtain written concurrence from the Permittee before they begin removing any material.

As this is an inter-departmental request for use of State resources, staff is recommending the Board waive any fees associated with the removal of the quarried material.


Staff is recommending the Board issue a right-of entry for a period of one year effective January 1, 2009 through December 31, 2009. This right-of-entry will be for the removing of quarried material from State lands for the purpose of improving and maintaining existing public access roads.

RECOMMENDATION:

That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a right-of-entry permit to Division of Forestry and Wildlife covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

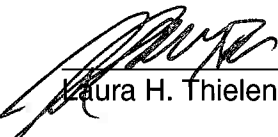
1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Authorize the Chairperson to issue future right-of-entries to the Applicant in relation to its use of existing quarry material.

Respectfully Submitted,



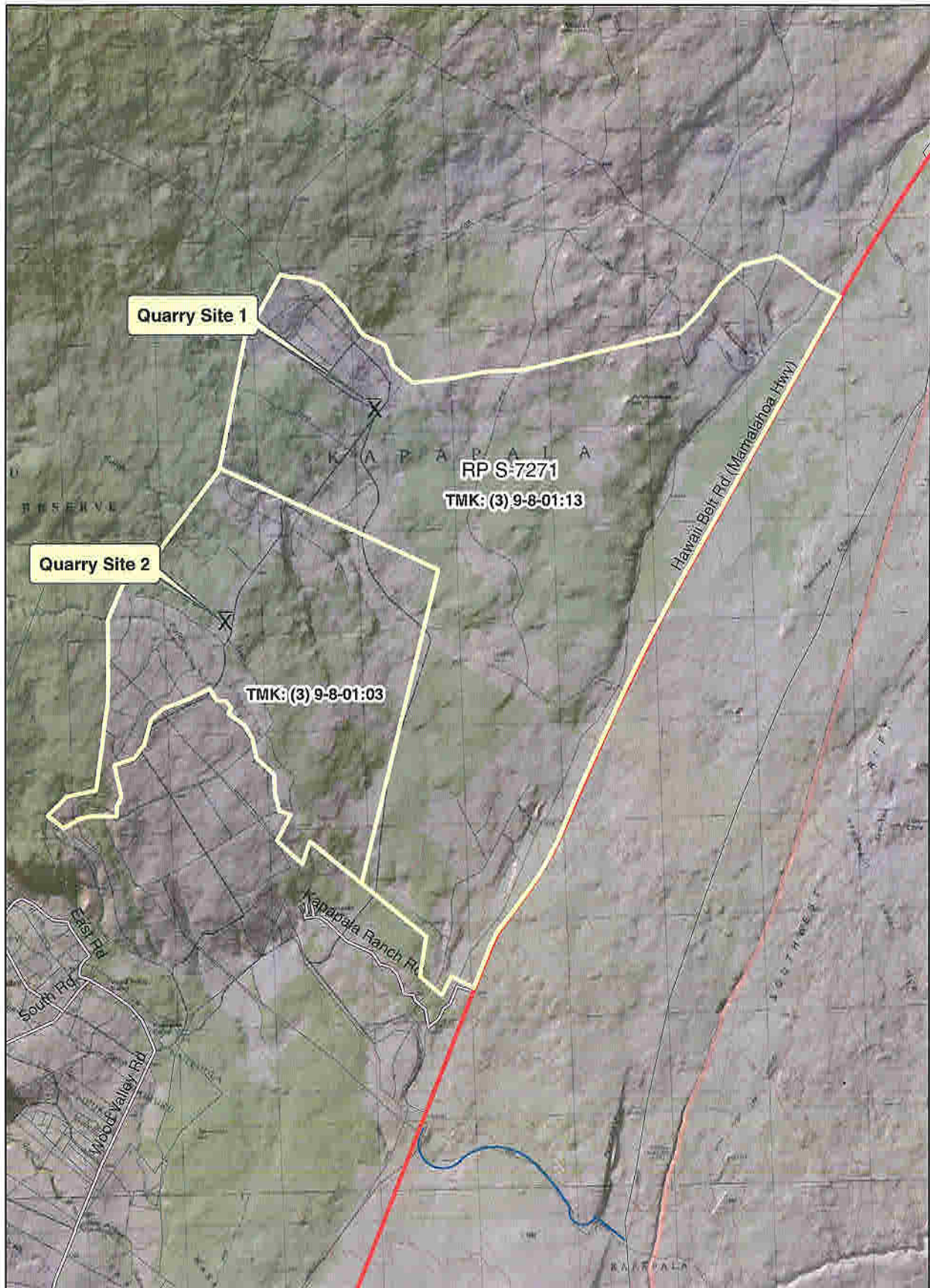
Gordon C. Heit
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

DOFAW Quarry Request



0 1,750 3,500 7,000 10,500 14,000 Feet





STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
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RECEIVED
LAND DIVISION
HILO, HAWAII

November 25, 2008

Mrs. Lani Petrie
Kapapala Ranch
P.O. Box 1639
Hilo, HI 96721

Dear Mrs. Petrie,

We are in the process of requesting Land Division's permission to use the quarries on the attached map to repair the roads in the Kapapala Koa Canoe Area, and below Kau Forest Reserve. Land Division asked me to notify you and ask for your concurrence on using the quarries for the road repair. Our first priority is to repair the road from Domingo Corner up to the cross road. If we have additional material we will work on the road to the pipeline road and the Honanui access. These repairs are long overdue and will benefit all legitimate users of these roads. Please contact me if you have any questions or concerns.

Sincerely,

Steven T. Bergfeld
Steven T. Bergfeld
Hawaii Branch Forestry Manager

Cc: Gordon Heit,

Attachment: